

A bill for an act

relating to health professions; modifying the scope of practice for chiropractors; amending Minnesota Statutes 2010, sections 148.01, subdivision 1, by adding a subdivision; 148.105, subdivision 1; repealing Minnesota Statutes 2010, section 148.01, subdivisions 2, 3; Minnesota Rules, parts 2500.0100, subparts 3, 4b, 9b; 2500.4000.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 148.01, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10:

(1) ~~"chiropractic" is defined as the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function; and~~ "Chiropractic" means the health care discipline that emphasizes the inherent recuperative power of the body to heal itself without the use of drugs or surgery. Chiropractic focuses on the relationship between structure, primarily the spine, and function, as coordinated by the nervous system, and how that relationship affects the preservation and restoration of health.

(2) "Chiropractic services" means the evaluation and facilitation of biomechanical and neurological function and integrity through the use of diagnostic procedures, manipulative techniques, chiropractic manipulative techniques, and other chiropractic procedures, and includes manual therapy and mechanical therapy as defined in section 146.23.

(3) "Chiropractic manipulative technique" means adjustment accomplished by manual or mechanical forces applied to bones or joints and their related soft tissues for optimal correction of biomechanical alterations or abnormal articulations.

(4) "Manipulative technique" means manipulation, mobilization, or other procedures in addition to a chiropractic manipulative technique, accomplished by manual or mechanical forces applied to bones or joints and their related soft tissues for optimal correction of biomechanical alterations or abnormal articulations.

(5) "Acupuncture" means a modality of treating abnormal physical conditions by stimulating various points of the body or interruption of the cutaneous integrity by needle insertion to secure a reflex relief of the symptoms by nerve stimulation as used as an adjunct to chiropractic adjustment.

(6) "Abnormal articulation" means the condition of opposing bony joint surfaces that do not function normally, including fixation, adhesion, degeneration, deformity, subluxation, dislocation, or other pathology that results in pain or disturbances within the nervous system, results in postural alteration, inhibits motion, allows excessive motion, alters direction of motion, or results in loss of axial loading efficiency, or a combination of these.

(7) "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of x-ray for diagnostic purposes within the scope of practice described in sections 148.01 to 148.10.

(8) "Diagnostic services" means clinical, physical, laboratory, and other diagnostic measures, including all types of diagnostic imaging that may be necessary to determine the presence or absence of a condition, deficiency, deformity, abnormality, or disease as a basis for evaluation of a health concern, diagnosis, differential diagnosis, treatment, further examination, or referral.

(9) "Therapeutic services" means rehabilitative therapy, acupuncture, and all of the therapeutic, rehabilitative, and preventive sciences and procedures for which the licensee was subject to examination under section 148.06, including, but not limited to, physical examinations, healthy screenings, and counseling regarding health lifestyles and behavior modification. The administration of therapeutic services is the responsibility of the treating chiropractor and must be rendered under the direct supervision of qualified staff.

~~(2)~~ (10) "Animal chiropractic diagnosis and treatment" means treatment that includes identifying and resolving vertebral subluxation complexes, spinal manipulation, and manipulation of the extremity articulations of nonhuman vertebrates. Animal chiropractic diagnosis and treatment does not include:

- (i) performing surgery;
- (ii) dispensing or administering of medications; or
- (iii) performing traditional veterinary care and diagnosis.

Sec. 2. Minnesota Statutes 2010, section 148.01, is amended by adding a subdivision to read:

Subd. 4. **Practice of chiropractic.** An individual licensed to practice under section 148.06 is authorized to perform chiropractic services, diagnostic services, therapeutic services within the context of the practice of chiropractic, and any other health care-related activity chiropractors are authorized to undertake as a matter of law.

Sec. 3. Minnesota Statutes 2010, section 148.105, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Any person who practices, or attempts to practice, chiropractic or who uses any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "DC," "Chiropractic Physician," or any other title or letters under any circumstances as to lead the public to believe that the person who so uses the terms is engaged in the practice of chiropractic, without having complied with the provisions of sections 148.01 to 148.104, is guilty of a gross misdemeanor; and, upon conviction, fined not less than \$1,000 nor more than \$10,000 or be imprisoned in the county jail for not less than 30 days nor more than six months or punished by both fine and imprisonment, in the discretion of the court. It is the duty of the county attorney of the county in which the person practices to prosecute. Nothing in sections 148.01 to 148.105 shall be considered as interfering with any person:

(1) licensed by a health-related licensing board, as defined in section 214.01, subdivision 2, including psychological practitioners with respect to the use of hypnosis;

(2) registered by the commissioner of health under section 214.13; or

(3) engaged in other methods of healing regulated by law in the state of Minnesota; provided that the person confines activities within the scope of the license or other regulation and does not practice or attempt to practice chiropractic.

Sec. 4. **REPEALER.**

(a) Minnesota Statutes 2010, section 148.01, subdivisions 2 and 3, are repealed.

(b) Minnesota Rules, parts 2500.0100, subparts 3, 4b, and 9b; and 2500.4000, are repealed.